



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1508/P1  
.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT

\*\*\* ANALYSIS FROM -0207/8 \*\*\*

STATE FINANCE

This bill requires the secretary of administration to lapse to the general fund from the unencumbered balances of general purpose revenue (GPR) and program revenue appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$145,000,000 in the 2011-13 fiscal biennium and \$145,000,000 in the 2013-15 fiscal biennium, subject to a 14-day passive review process by JCF. Under the bill, all executive branch state agencies, except for the UW System with respect to its program revenue appropriations, are subject to the lapse provisions. The bill further requires the secretary to make additional lapses to the general fund from GPR and program revenue appropriations to most executive branch state agencies and the courts during the 2011-13 and 2013-15 fiscal biennia.

The bill requires the cochairpersons of the Joint Committee on Legislative Organization to take actions during the 2011-13 fiscal biennium to ensure that from GPR appropriations to the legislature an amount equal to \$9,232,200 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

\*\*\* ANALYSIS FROM -1428/1 \*\*\*

This bill authorizes the building commission to contract before July 1, 2013, up to \$364,300,000 in state public debt to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities.

**\*\*\* ANALYSIS FROM -1398/1 \*\*\***

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting GPR may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total GPR appropriations for that fiscal year. For fiscal year 2011-12, the amount is \$65,000,000; for fiscal year 2012-13, the amount is \$65,000,000; and for each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

This bill provides that for fiscal years 2013-14 and 2014-15, the amount is \$65,000,000; and for 2015-16 and each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

**\*\*\* ANALYSIS FROM -1471/2 \*\*\***

Currently, the statutes contain a rule of proceeding that limits the increase in moneys that may be appropriated from GPR during a fiscal biennium. The limitation is based on changes in the state's aggregate personal income. This bill repeals this provision.

**\*\*\* ANALYSIS FROM -0698/3 \*\*\***

Currently, the College Savings Program Board, which is attached to the Office of the State Treasurer, administers the EdVest program, which is a college savings plan established pursuant to federal law to enable families to contribute moneys to accounts for the college expenses of dependents. Earnings on moneys in these accounts are generally not taxable under state or federal law. In addition, under current law, the state treasurer administers another college savings program, which is now closed to new participants, that enables certain persons to purchase tuition credits for beneficiaries to attend certain institutions of higher education. This bill attaches the College Savings Program Board to DOA, as well as requires DOA to administer the other college savings program currently administered by the state treasurer.

**\*\*\* ANALYSIS FROM -0939/P3 \*\*\***

Under current law, any unencumbered balance at the end of a fiscal year in the DRL, renamed the Department of Safety and Professional Services in this bill, or the OCI appropriation for general program operations is retained in that appropriation account. This bill provides that any unencumbered balance in either of those appropriations at the end of a fiscal year that exceeds 10 percent of that year's expenditures from the appropriation lapses to the general fund.

Also under current law, any unencumbered balance at the end of a fiscal biennium in the medical examining board's appropriation for general program operations is retained in that appropriation account. The bill provides that any unencumbered balance in that appropriation at the end of a fiscal biennium that exceeds 10 percent of that biennium's expenditures from the appropriation lapses to the general fund.

**\*\*\* ANALYSIS FROM -0712/3 \*\*\***

Under current law, in the state investment fund, there is a local government pooled-investment fund (fund). This fund consists of moneys placed by local

governmental units for investment by the State of Wisconsin Investment Board (SWIB). The state treasurer has several duties relating to the fund, which include prescribing the mechanisms and procedures for deposits and withdrawals into and from the fund, providing monthly reports to local governments on the fund's earnings, and promulgating rules to administer the fund. This bill transfers these duties to DOA.

**\*\*\* ANALYSIS FROM -1304/1 \*\*\***

**STATE EMPLOYMENT**

This bill authorizes the secretary of administration to abolish any full-time equivalent position at any executive branch state agency if the position is vacant and if the secretary determines that filling the position is not required for the state agency to carry out its duties and exercise its powers.

**\*\*\* ANALYSIS FROM -1187/P6 \*\*\***

**STATE BUILDING PROGRAM**

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must specifically be authorized by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. With limited exceptions, DOA and any agency to which DOA delegates its authority must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of DOA and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA and any other agency must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that 5 percent of the total amount that the state expends on DOA-managed projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

This bill deletes DOA's and the governor's responsibility for management of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the authority if the project is funded entirely from sources other than state general purpose revenue or general fund supported bonding. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost does not exceed \$500,000. Under the bill, the authority is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

**\*\*\* ANALYSIS FROM -1348/P2 \*\*\***

### **PUBLIC UTILITY REGULATION**

Current law requires telecommunications providers, with certain exceptions, to contribute to the Universal Service Fund (USF). The USF is used to promote universal access to telecommunications services and for other specified purposes. This bill requires the Legislative Audit Bureau to annually prepare a financial and performance evaluation audit of at least one program funded with the USF.

### **STATE PROCUREMENT**

#### **\*\*\* ANALYSIS FROM -1216/P2 \*\*\***

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited. This bill increases that \$25,000 threshold to \$50,000.

#### **\*\*\* ANALYSIS FROM -1252/P3 \*\*\***

Under current law, DOA must generally approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the Office of State Employment Relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract; and ensure that the contract does not conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

#### **\*\*\* ANALYSIS FROM -1259/P3 \*\*\***

Under current law, a state agency purchasing equipment that consumes energy, such as equipment to provide heating, lighting, ventilation, cooling, or refrigeration, must meet certain energy efficiency standards. This bill exempts from the standards purchases that cost \$5,000 or less per unit.

#### **\*\*\* ANALYSIS FROM -1263/P2 \*\*\***

This bill requires DOA to maintain a list of parties who have violated a state procurement contract or a statutory provision governing state procurement. Any party on the list is ineligible to be a party to a state contract unless DOA, after determining that the party complies with the statutory provisions and has adequate safeguards to prevent future contractual or statutory violations, removes the party from the list.

This bill also defines the UW-Madison authority created in this bill, as a state agency for state procurement purposes except the bill provides the UW-Madison the authority to enter into contracts for items not commonly purchased by entities other than universities and allow the UW-Madison to be party to purchasing agreements with other higher education institutions.

#### **\*\*\* ANALYSIS FROM -0778/3 \*\*\***

### OTHER STATE GOVERNMENT

Currently, eligible candidates for the office of justice of the supreme court may receive state grants from the democracy trust fund. The grants are funded from general purpose revenue, which is provided to the fund when individual income tax filers designate \$2 to be deposited into the fund. Currently, if the designations for the fund do not generate sufficient revenue, the deficiency is covered with an appropriation of general purpose revenue so that grants to all candidates are paid in full. Currently, an eligible candidate for the office of justice of the supreme court may also receive supplemental grants from the fund if: 1) the candidate is opposed by one or more candidates who decline to accept grants and who do not adhere to a specified spending level that is close to the grant amounts; and 2) if one or more persons make independent expenditures in opposition to the candidate or in support of one or more of the candidate's opponents. Candidates are severely limited in the total amount of private contributions that they may accept. This bill deletes the supplement to the democracy trust fund from general purpose revenue. Under the bill, if there are insufficient moneys available to make payment of the full amounts of grants to which candidates are entitled, the grants are prorated. The bill also deletes the supplemental grants. The bill permits candidates who accept grants to also accept additional private contributions in an amount sufficient to cover any deficiency in the public grants to which they would otherwise be entitled. The bill applies to grants awarded after December 31, 2011.

### \*\*\* ANALYSIS FROM -1224/P3 \*\*\*

Current law creates the Office of Energy Independence (OEI) in DOA and requires OEI to work on and facilitate the implementation of initiatives with certain goals regarding the state's energy independence, bioindustry and biorefineries, renewable energy markets, alternative energy research, and motor vehicle fuels that blend gasoline and certain biofuels. Current law also requires OEI to do the following: 1) serve as a single point of contact for assistance in biodevelopment, energy efficiency, and energy independence; 2) develop energy independence policy options; 3) identify and facilitate federal funding opportunities; 4) perform duties to maintain federal energy funding; 5) pursue, in cooperation with DATCP, the establishment and maintenance of sufficient alternative fuel refueling facilities to meet the traveling needs of the public; 6) adopt and implement a plan to facilitate usage of alternative fuels in state-owned vehicles; and 7) coordinate with other state agencies the preparation of a biennial strategic assessment for biomass used to produce energy. This bill eliminates OEI and all the foregoing duties, and requires DOA to develop and implement a cost-effective, balanced, reliable, and environmentally responsible energy strategy to promote economic growth.

Current law also requires DOA to require that state agencies take certain actions regarding hybrid-electric motor vehicles and using gasohol and other alternative fuels. This bill requires DOA, whenever feasible and cost-effective, to encourage, rather than require, state agencies to take the actions. The bill also changes deadlines for reducing the usage of gasoline and diesel fuel in state-owned vehicles. Under current law, DOA must require that, by 2015, state agencies collectively reduce the usage of gasoline by at least 50 percent below the total used

in 2006 and reduce the usage of diesel fuel by at least 25 percent below the total used in 2006. Under this bill, DOA must encourage, rather than require, that, by 2015, state agencies collectively reduce the usage of gasoline by at least 20 percent below the total used in 2006 and reduce the usage of diesel fuel by at least 10 percent below the total used in 2006. The bill also eliminates a requirement for DOA to submit an annual report to the legislature regarding the state's usage of hybrid-electric motor vehicles and gasohol and alternative fuels.

**\*\*\* ANALYSIS FROM -1142/P1 \*\*\***

Under current law, DOA administers a program for making grants from the utility public benefits fund (UPBF) to provide assistance to low-income households for the following: 1) weatherization and other energy conservation services (weatherization and conservation assistance); and 2) payment of energy bills and early identification or prevention of energy crises (bill and crisis assistance). In each fiscal year, DOA must ensure that the amount spent under the program on grants for weatherization and conservation assistance is equal to 47 percent of the sum of the following: 1) the amounts received under certain federally funded weatherization and energy-assistance programs; 2) the amount spent by certain electric and natural gas utilities on assistance to low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members. As a result, 53 percent of the above sum is available to be spent on grants under the program for bill and crisis assistance.

However, in fiscal years 2009-10 and 2010-11, current law allowed DOA to subtract no more than \$10,000,000 from the amount that must be spent on weatherization and conservation assistance under the program. As a result, any amount subtracted by DOA was available to be spent on bill and crisis assistance. This bill allows DOA to make the same \$10,000,000 subtraction in fiscal years 2011-12 and 2012-13.

**\*\*\* ANALYSIS FROM -1187/P6 \*\*\***

Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Under current law, the chancellor of the UW-Madison and the vice chancellor who serves as deputy are subject to the standards of conduct under the code of ethics for state public officials as well as the requirement to file annual statements of economic interests. Other employees of the UW-Madison are subject to a code of ethics established by the Board of Regents of the UW System. This bill continues coverage of the chancellor and vice chancellor under the code of conduct but not

under the filing requirement and directs the Board of Trustees of the authority to establish a code of ethics for other employees of the authority.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW System, for its risk management costs. This bill permits the authority, with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

**\*\*\* ANALYSIS FROM -1088/1 \*\*\***

Under current law, certain administrative services functions are performed in the Office of the Secretary of State and certain management services functions are performed in the Office of the State Treasurer. This bill transfers those functions, as determined by the secretary of administration, to DOA. The bill, however, does not transfer any positions relating to those functions.

**\*\*\* ANALYSIS FROM -1090/2 \*\*\***

The bill also eliminates from the unclassified service one stenographer appointed by the secretary of state and one stenographer appointed by the state treasurer.

**\*\*\* ANALYSIS FROM -1450/2 \*\*\***

This bill creates an Office of Business Development in DOA. The office is headed by a director outside the classified service who is appointed by the governor to serve at his or her pleasure. The bill provides that the office shall perform the functions determined by the secretary of administration.

**\*\*\* ANALYSIS FROM -1322/2 \*\*\***

Currently, DOA may maintain a federal-state relations office in Washington, D.C., for the purpose of promoting federal-state cooperation. The director and one staff assistant are appointed by the governor, subject to concurrence of the Joint Committee on Legislative Organization. This bill deletes the requirement for concurrence in these appointments by the joint committee.

**\*\*\* ANALYSIS FROM -1221/3 \*\*\***

Currently, DOA must contract with one or more child care providers to supplement the cost of providing suitable space for child care services provided to the children of employees of state agencies whose work stations are located in the central Madison area. DOA must assess the costs of providing child care services to state agencies on an equitable basis as determined by DOA, and the agencies may draw upon program supplement appropriations to finance any unbudgeted costs for these assessments. This bill eliminates DOA's authority to enter into these contracts and to provide child care facilities for state employees.

**\*\*\* ANALYSIS FROM -1448/1 \*\*\***

Currently, with limited exceptions, any person who brings a civil lawsuit against a state employee on account of any act growing out of or committed in the course of the employee's duties must give the attorney general notice of the claim within 120 days of the act giving rise to the lawsuit and liability is limited to \$250,000. In addition, with certain limitations, this state must pay damages assessed against a state employee for acts committed while carrying out his or her duties as an employee within the scope of employment.

This bill provides that if this state enters into a valid agreement with the state of Minnesota providing for interchange of employees or services, any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as defendant as a result of performing services for the state of Minnesota under such an agreement is considered to have the same status as when performing the same services for this state in any civil lawsuit brought under the laws of this state for purposes of notice of claim requirements and liability limitations. In addition, the bill provides that any employee of the state of Minnesota who is named as a defendant in a civil lawsuit and who is found liable as a result of performing services for this state under such an agreement shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state under Wisconsin law. The bill also directs DOJ to represent any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any civil lawsuit brought under Wisconsin law.

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **02/22/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing:

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Analysis compile for State Government

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 03/02/2011			_____ _____			

FE Sent For:

**<END>**

-1508/P1

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

(PAC)

LRB

198

State Government

STATE FINANCE

207

1428

1398

1471

698 - 0939 (PSK - MP6) done

712

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

(PAC)

LRB

State Government

State Employment

1304

~~STATE~~

Public Utility Regulation

-1348

(TRK)

# STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

JTR

ANALYSIS

STATE GOVT

OTHER STATE GOVT

medium

→ 0778

low

→ 1450

→ 1322

→ 1221

→ 1448

1389

-1224

-1142

MDK

-1088

-1089

-1090

Gmm

~~1348~~ TKK

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-1252

-1263

-1259





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1508/P1

RAC/STK/TKK/  
MDK/Gmm/  
PSK/mrc/Ex

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

before July 1, 2013,

1 AN ACT ... relating to: the budget.

*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT

\*\*\* ANALYSIS FROM -0207/8 \*\*\*

STATE FINANCE

(GPR)

This bill requires the secretary of administration to lapse to the general fund from the unencumbered balances of general purpose revenue and program revenue appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to ~~\$72,500,000 in each fiscal year of the 2011-13 and 2013-15 fiscal biennia~~ subject to a 14-day passive review process by JCF. Under the bill, all executive branch state agencies, except for the UW System with respect to its program revenue appropriations, are subject to the lapse provisions. The bill further requires the secretary to make additional lapses to the general fund from ~~general purpose revenue~~ and program revenue appropriations to most executive branch state agencies and the courts during the 2011-13 and 2013-15 fiscal biennia.

GPR

GPR

The bill requires the cochairpersons of the Joint Committee on Legislative Organization to take actions during the 2011-13 fiscal biennium to ensure that from ~~general purpose revenue~~ appropriations to the legislature an amount equal to \$9,232,200 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

\*\*\* ANALYSIS FROM -1428/1 \*\*\*

This bill authorizes the building commission to contract up to \$364,300,000 in state public debt to refund any unpaid indebtedness used to finance tax-supported

\$145,000,000 in the 2011-13 fiscal biennium and  
\$145,000,000 in the 2013-15 fiscal biennium

or self-amortizing facilities. ~~Such refunded debt must be contracted before July 1, 2012.~~

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GPR  
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This bill provides that for fiscal years 2013-14 and 2014-15, the amount is \$65,000,000; and for 2015-16 and each fiscal year thereafter, the amount is 2 percent of total ~~general purpose revenue~~ appropriations for that fiscal year.

**\*\*\* ANALYSIS FROM -1471/2 \*\*\***

Currently, the statutes contain a rule of proceeding that limits the increase in moneys that may be appropriated from ~~general purpose revenues~~ during a fiscal biennium. The limitation is based on changes in the state's aggregate personal income. This bill repeals this provision.

**\*\*\* ANALYSIS FROM -0698/3 \*\*\***

Currently, the College Savings Program Board, which is attached to the Office of the State Treasurer, administers the EdVest program, which is a college savings plan established pursuant to federal law to enable families to contribute moneys to accounts for the college expenses of dependents. Earnings on moneys in these accounts are generally not taxable under state or federal law. In addition, under current law, the state treasurer administers another college savings program, which is now closed to new participants, that enables certain persons to purchase tuition credits for beneficiaries to attend certain institutions of higher education. This bill attaches the College Savings Program Board to DOA, as well as requires DOA to administer the other college savings program currently administered by the state treasurer. ~~Other than moving the college savings programs to DOA, the bill makes no changes in either college savings program.~~

**\*\*\* ANALYSIS FROM -0939/P3 \*\*\***

Under current law, any unencumbered balance at the end of a fiscal year in <sup>the</sup> ~~DRL's~~ appropriation for general program operations ~~or in OCI's appropriation for general program operations~~ is retained in that appropriation account. This bill provides that any unencumbered balance in either of those appropriations at the end of a fiscal year that exceeds 10 percent of that year's expenditures from the appropriation lapses to the general fund. ~~the medical examining board's~~

Also under current law, any unencumbered balance at the end of a fiscal biennium in ~~DRL's biennia~~ appropriation for ~~the~~ general program operations ~~of the~~ ~~medical examining board~~ is retained in that appropriation account. The bill provides that any unencumbered balance in that appropriation at the end of a fiscal biennium that exceeds 10 percent of that biennium's expenditures from the appropriation lapses to the general fund.

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## \*\*\* ANALYSIS FROM -0712/3 \*\*\*

Under current law, in the state investment fund, there is a local government pooled-investment fund (fund). This fund consists of moneys placed by local governmental units for investment by the State of Wisconsin Investment Board (SWIB). The state treasurer has several duties relating to the fund, which include prescribing the mechanisms and procedures for deposits and withdrawals into and from the fund, providing monthly reports to local governments on the fund's earnings, and promulgating rules to administer the fund. This bill transfers these ~~state treasurer~~ duties to DOA.

## \*\*\* ANALYSIS FROM -1304/1 \*\*\*

## STATE EMPLOYMENT

This bill authorizes the secretary of administration to abolish any full-time equivalent position at any state agency if the position is vacant and if the secretary determines that filling the position is not required for the state agency to carry out its duties and exercise its powers. ~~Under the bill, "state agency" means any office, department, or independent agency in the executive branch of state government.~~

executive branch

## \*\*\* ANALYSIS FROM -1348/P2 \*\*\*

## PUBLIC UTILITY REGULATION

Current law requires telecommunications providers, with certain exceptions, to contribute to the Universal Service Fund (USF). The USF is used to promote universal access to telecommunications services and for other specified purposes. This bill requires the Legislative Audit Bureau to annually prepare a financial and performance evaluation audit of at least one program funded with the USF.

## \*\*\* ANALYSIS FROM -0778/3 \*\*\*

## OTHER STATE GOVERNMENT

Currently, eligible candidates for the office of justice of the supreme court may receive state grants from the democracy trust fund. The grants are funded from general purpose revenue, which is provided to the fund when individual income tax filers designate \$2 to be deposited into the fund. Currently, if the ~~total amount of~~ designations for the ~~democracy trust fund~~ does not generate sufficient revenue for the ~~democracy trust fund~~, the deficiency is covered with an appropriation of general purpose revenue so that the ~~maximum amounts of grants that are payable~~ to all ~~eligible candidates for the office of justice of the supreme court~~ are paid in full. Currently, an eligible candidate for the office of justice of the supreme court may also receive supplemental grants from the ~~democracy trust fund~~ ~~and if~~ the eligible candidate is opposed by one or more candidates who decline to accept grants and who do not adhere to a specified spending level that is close to the grant amounts; and ~~if~~ if one or more persons make independent expenditures in opposition to the eligible candidate or in support of one or more of the ~~eligible~~ candidate's opponents. ~~Eligible candidates for the office of justice of the supreme court are severely limited in the total amount of private contributions that they may accept. The bill deletes the supplement from general purpose revenue which currently ensures that all eligible candidates for the office of justice of the supreme court receive the full amounts of the grants to which they are entitled.~~ Under the bill, if there are insufficient moneys available to make payment of the full amounts of grants to which ~~eligible~~ candidates

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~~for the office of justice of the supreme court are entitled, the amounts of the grants are prorated to adjust for the deficiency. The bill also deletes the supplemental grants that are currently may become payable to eligible candidates for the office of justice of the supreme court. The bill permits candidates for the office of justice of the supreme court who accept grants to also accept additional private contributions in an amount sufficient to cover any deficiency in the public grants to which they would otherwise be entitled. The bill applies to grants awarded after December 31, 2011. Currently, the democracy trust fund is administered by the state treasurer. This bill transfers administration of the fund to the Government Accountability Board.~~

**\*\*\* ANALYSIS FROM -1224/P3 \*\*\***

Current law creates the Office of Energy Independence (OEI) in DOA and requires OEI to work on and facilitate the implementation of initiatives with certain goals regarding the state's energy independence, bioindustry and biorefineries, renewable energy markets, alternative energy research, and motor vehicle fuels that blend gasoline and certain biofuels. Current law also requires OEI to do the following: 1) serve as a single point of contact for assistance in biodevelopment, energy efficiency, and energy independence; 2) develop energy independence policy options; 3) identify and facilitate federal funding opportunities; 4) perform duties to maintain federal energy funding; 5) pursue, in cooperation with DATCP, the establishment and maintenance of sufficient alternative fuel refueling facilities to meet the traveling needs of the public; 6) adopt and implement a plan to facilitate usage of alternative fuels in state-owned vehicles; and 7) coordinate with other state agencies the preparation of a biennial strategic assessment for biomass used to produce energy. This bill eliminates OEI and all the foregoing duties, and requires DOA to develop and implement a cost-effective, balanced, reliable, and environmentally responsible energy strategy to promote economic growth.

Current law also requires DOA to require that state agencies take certain actions regarding hybrid-electric motor vehicles and using gasohol and other alternative fuels ~~instead of gasoline and diesel fuel~~. This bill requires DOA, whenever feasible and cost-effective, to encourage, rather than require, state agencies to take the actions. The bill also changes deadlines for reducing the usage of gasoline and diesel fuel in state-owned vehicles. Under current law, DOA must require that, by 2015, state agencies collectively reduce the usage of gasoline by at least 50 percent below the total used in 2006 and reduce the usage of diesel fuel by at least 25 percent below the total used in 2006. Under this bill, DOA must encourage, rather than require, that, by 2015, state agencies collectively reduce the usage of gasoline by at least 20 percent below the total used in 2006 and reduce the usage of diesel fuel by at least 10 percent below the total used in 2006. The bill also eliminates a requirement for DOA to submit an annual report to the legislature regarding the state's usage of hybrid-electric motor vehicles and gasohol and alternative fuels.

**\*\*\* ANALYSIS FROM -1142/P1 \*\*\***

Under current law, DOA administers a program for making grants from the utility public benefits fund (UPBF) to provide assistance to low-income households

for the following: 1) weatherization and other energy conservation services (weatherization and conservation assistance); and 2) payment of energy bills and early identification or prevention of energy crises (bill and crisis assistance). In each fiscal year, DOA must ensure that the amount spent under the program on grants for weatherization and conservation assistance is equal to 47 percent of the sum of the following: 1) the amounts received under certain federally funded weatherization and energy-assistance programs; 2) the amount spent by certain electric and natural gas utilities on assistance to low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members. As a result, 53 percent of the above sum is available to be spent on grants under the program for bill and crisis assistance.

However, in fiscal years 2009-10 and 2010-11, current law allowed DOA to subtract no more than \$10,000,000 from the amount that must be spent on weatherization and conservation assistance under the program. As a result, any amount subtracted by DOA was available to be spent on bill and crisis assistance. This bill allows DOA to make the same \$10,000,000 subtraction in fiscal years 2011-12 and 2012-13.

**\*\*\* ANALYSIS FROM -1088/1 \*\*\***

Under current law, certain administrative services functions are performed in the Office of the Secretary of State. This bill transfers those functions, as determined by the secretary of administration, together with all assets and liabilities, tangible personal property, contracts, rules and orders, and pending matters that are primarily related to those functions, as determined by that secretary, to DOA. The bill, however, does not transfer any positions relating to those functions.

**\*\*\* ANALYSIS FROM -1089/1 \*\*\***

Under current law, certain management service functions are performed in the Office of the State Treasurer. This bill transfers those functions, as determined by the secretary of administration, together with all assets and liabilities, tangible personal property, contracts, rules and orders, and pending matters that are primarily related to those functions, as determined by that secretary, to DOA. The bill, however, does not transfer any positions relating to those functions.

**\*\*\* ANALYSIS FROM -1090/2 \*\*\***

Under current law, the civil service is divided into the unclassified service and the classified service. The unclassified service comprises various positions, including one stenographer appointed by each elective executive officer. This bill eliminates from the unclassified service one stenographer appointed by the secretary of state and one stenographer appointed by the state treasurer.

**\*\*\* ANALYSIS FROM -1450/2 \*\*\***

This bill creates the Office of Business Development in DOA. The office is headed by a director outside the classified service who is appointed by the governor to serve at his or her pleasure. The bill also creates the position of deputy director of the office, outside the classified service, who is also appointed by the governor to

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~~Serve at his or her pleasure.~~ The bill provides that the office shall perform the functions determined by the secretary of administration.

**\*\*\* ANALYSIS FROM -1322/2 \*\*\***

Currently, DOA may maintain a federal-state relations office in Washington, D.C., for the purpose of promoting federal-state cooperation. The director and one staff assistant are appointed by the governor, subject to concurrence of the Joint Committee on Legislative Organization. This bill deletes the requirement for concurrence in these appointments by the joint committee.

**\*\*\* ANALYSIS FROM -1221/3 \*\*\***

Currently, DOA must contract with one or more child care providers to supplement the cost of providing suitable space for child care services provided to the children of employees of state agencies whose work stations are located in the central Madison area. DOA must assess the costs of providing child care services to state agencies on an equitable basis as determined by DOA, and the agencies may draw upon program supplement appropriations to finance any unbudgeted costs for these assessments. This bill eliminates DOA's authority to enter into these contracts and to provide child care facilities for state employees.

**\*\*\* ANALYSIS FROM -1448/1 \*\*\***

Currently, with limited exceptions, any person who brings a civil lawsuit against a state employee on account of any act growing out of or committed in the course of the employee's duties must give the attorney general notice of the claim within 120 days of the act giving rise to the lawsuit and liability is limited to \$250,000. In addition, with certain limitations, this state must pay damages assessed against a state employee for acts committed while carrying out his or her duties as an employee within the scope of employment.

This bill provides that if this state enters into a valid agreement with the state of Minnesota providing for interchange of employees or services, any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as defendant as a result of performing services for the state of Minnesota under such an agreement is considered to have the same status as when performing the same services for this state in any civil lawsuit brought under the laws of this state for purposes of notice of claim requirements and liability limitations. In addition, the bill provides that any employee of the state of Minnesota who is named as a defendant in a civil lawsuit and who is found liable as a result of performing services for this state under such an agreement shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state under Wisconsin law. The bill also directs DOJ to represent any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any civil lawsuit brought under Wisconsin law. ~~In addition, the bill permits the attorney general to compromise and settle any~~

STATE PROCUREMENT ← SUBHEADING

such lawsuit in accordance with current law permitting such compromises and settlements.

\*\*\* ANALYSIS FROM -1216/P2 \*\*\*

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited. This bill increases that \$25,000 threshold to \$50,000.

\*\*\* ANALYSIS FROM -1252/P3 \*\*\*

Under current law, DOA must approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA written justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the Office of State Employment Relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and ensure that the contract does not conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

\*\*\* ANALYSIS FROM -1263/P2 \*\*\*

This bill requires DOA to maintain a list of parties who have violated a state procurement contract or a statutory provision governing state procurement. Any party on the list is ineligible for an award of a state contract unless DOA removes the party from the list after DOA determines that the party complies with the statutory provisions and has adequate safeguards to prevent future contractual or statutory violations.

\*\*\* ANALYSIS FROM -1259/P3 \*\*\*

Under current law, a state agency purchasing equipment that consumes energy, such as equipment to provide heating, lighting, ventilation, cooling, or refrigeration, must meet certain energy efficiency standards. This bill exempts from the standards purchases that cost \$5,000 or less per unit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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p. 3

This bill also defines the UW-Madison authority, created in this bill, as a state agency for state procurement purposes.

The bill provides the UW-Madison authority to enter into contracts for items not commonly purchased by entities other than universities and allows the UW-Madison, except provides

agreements with purchasing agencies for other higher education institutions

to be party to

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2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under the bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of the foregoing requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under the bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

<sup>1187/P6</sup>  
**STATE GOVERNMENT**

<sup>xxx Analysis</sup> → **STATE BUILDING PROGRAM**

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must ~~be enumerated in the Authorized State Building Program, which is set forth by law.~~ Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. ~~It~~

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~~management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly.~~ *and any agency to which DOA delegates its authority*  
 With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of ~~the secretary of administration~~ *DOA* and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that 5 percent of the total amount that the state expends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

*and any other agency*  
 This bill deletes DOA's and the governor's responsibility for management ~~and supervision~~ of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the authority if the project is funded entirely from sources other than state general purpose revenue or general fund supported bonding. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost ~~of the project~~ does not exceed \$500,000. Under the bill, the authority is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services. *End of ins with 3A*

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility that is constructed for the benefit of the UW System without approval of the Building Commission. Under the bill, this restriction does not apply to the authority. Currently, no state agency, including the UW System, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the authority.

#### STATE FINANCE

Currently, the secretary of administration may reallocate moneys from state funds or accounts to other state funds and accounts to cover deficiencies, subject to certain limitations, and may reallocate an amount equal to not more than 3 percent of current general purpose revenue appropriations to the general fund for not more than 30 days. This bill increases that amount to not more than 6 percent of current general purpose revenue appropriations.

#### OTHER STATE GOVERNMENT

*\*\*\* Analysis - 1187/P6*  
 Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of *Ins SA*

higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Under current law, the chancellor of the UW-Madison and the vice chancellor who serves as deputy are subject to the standards of conduct under the code of ethics for state public officials as well as the requirement to file annual statements of economic interests. Other employees of the UW-Madison are subject to a code of ethics established by the Board of Regents of the UW System. This bill continues coverage of the chancellor and vice chancellor under the code of conduct but not under the filing requirement and directs the Board of Trustees of the authority to establish a code of ethics for other employees of the authority.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW System, for its risk management costs. This bill permits the authority with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

For further information see the ~~state~~ fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           SECTION 1. 13.106 (title) of the statutes is amended to read:

2           **13.106 (title) ~~Medical College of Wisconsin and UW-Madison Medical~~**  
3           **~~School~~ school reports.**

4           SECTION 2. 13.106 (1) (intro.) of the statutes is amended to read:

5           13.106 (1) (intro.) The Medical College of Wisconsin and the University of  
6           ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall  
7           biennially report to the governor and the joint committee on finance on the:

8           SECTION 3. 13.106 (2) of the statutes is amended to read:

9           13.106 (2) The Medical College of Wisconsin and the University of  
10          ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall  
11          submit a biennial report containing financial summaries for the college and school  
12          to the governor and the joint committee on finance, in a consistent format and